



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

MIKE HATCH  
ATTORNEY GENERAL

May 22, 2003

SUITE 1100  
445 MINNESOTA STREET  
ST. PAUL, MN 55101-2128  
TELEPHONE: (651) 282-5700

*EX PARTE*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th St. S.W., CY-B402  
Washington, D.C. 20554

**Re: In the Matter of Application by Qwest Communications  
International, Inc. for Authorization to Provide In-Region,  
InterLATA Services in the State of Minnesota  
WC Docket No. 03-90**

Dear Ms. Dortch:

The Minnesota Public Utilities Commission (MNPUC) files this letter and the enclosed order to inform the Commission about the current status of MNPUC Docket No. P421/C-02-197, the Complaint of the Minnesota Department of Commerce Against Qwest Corporation Regarding Unfiled Agreements.

As set forth in detail in the MNPUC's comments filed April 17, 2003, three of the four Minnesota Commissioners who made recommendations concerning Qwest's fitness to receive interLATA relief pursuant to 47 U.S.C. § 271 based their recommendations in substantial part upon Qwest's conduct as established in MNPUC Docket No. C-02-197. Qwest addressed this issue in its May 8, 2003 reply comments, indicating that Qwest has been willing to negotiate a settlement of the penalties and that the company is confident that this matter will be resolved in "due course."<sup>1</sup> By this letter, the MNPUC informs the Commission that it denied Qwest's second petition for reconsideration in Docket No. C-02-197 on May 20, 2003. The attached order, served on May 21, 2003, documents the MNPUC's final decision and establishes the date from which the time for filing an appeal begins to run. Under Minnesota law, Qwest must file its appeal within 30 days of service of the order; i.e., by June 20, 2003.

---

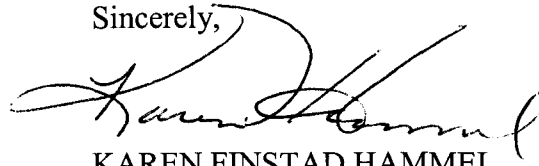
<sup>1</sup> See Qwest's Reply Comments at 28, 36.



Marlene H. Dortch, Secretary  
May 22, 2003  
Page 2

Any questions regarding the filing of this letter may be directed to me at 651-297-1852 or by email to karen.hammel@state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Hammel", written over a horizontal line.

KAREN FINSTAD HAMMEL  
Assistant Attorney General

(651) 297-1852

Enclosure

cc: G. Cohen  
J. Myles  
G. Remondino  
R. Harsch  
J. Hanson

AG: #859374-v1

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye  
Ellen Gavin  
Marshall Johnson  
Phyllis A. Reha  
Gregory Scott

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Complaint of the  
Minnesota Department of Commerce Against  
Qwest Corporation Regarding Unfiled  
Agreements

ISSUE DATE: May 21, 2003

DOCKET NO. P-421/C-02-197

ORDER DENYING QWEST'S SECOND  
REQUEST FOR RECONSIDERATION

**PROCEDURAL HISTORY**

On February 28, 2003, the Commission issued its ORDER ASSESSING PENALTIES in this matter.

On March 10, 2003, Qwest filed a petition for reconsideration.

On March 20, 2003, Eschelon and McLeod filed petitions for reconsideration.

On March 20, 2003, responses to Qwest's petition for reconsideration were filed by the Minnesota Department of Commerce (the Department), AT&T Communications of the Midwest (AT&T), MCI WorldCom (MCI), Time Warner, the CLEC Coalition and the NWB/US WEST Retiree Association (the Retirees).

On March 31, 2003, the Department and Qwest filed responses to McLeod's and Eschelon's petitions for reconsideration and Eschelon filed a response to McLeod's petition.

The Commission met on April 8, 2003 to consider this matter.

On April 10, 2003, the Commission issued a notice that it would meet on April 14, 2003 to clarify on its own motion its decision regarding the interstate access services purchased from Qwest.

On April 11, 2003, AT&T filed comments supporting inclusion of interstate access services among those for which Qwest would be required to give a retroactive ten percent discount.

On April 14, 2003, the Commission met to further consider this matter.

On April 30, 2003, the Commission issued its ORDER AFTER RECONSIDERATION ON OWN MOTION. In this Order, the Commission decided not to grant the petitions for reconsideration filed by Qwest, Eschelon, and McLeod but to reconsider the February 28, 2003 ORDER ASSESSING PENALTIES on its own motion.

On May 13, 2003, Qwest filed a Motion for Reconsideration of the Commission's April 30, 2003 Order. Qwest asked the Commission 1) to alter the procedure and burdens regarding calculating the offset of the credits in order to clarify the duty of the CLECs to timely provide Qwest with billing information that is within only the CLECs' control and is necessary to calculate the offsets; and 2) to reconsider the decision to withdraw Qwest's ability to achieve a stay of the monetary penalty.

On May 16, 2003 the NWB/US WEST Retiree Association, Inc. filed comments.

On May 19, 2003, comments were filed by Time Warner Telecom of Minnesota, LLC, WorldCom, Inc. (MCI), the CLEC Coalition, and AT&T Communications of the Midwest, Inc.

The Commission met on May 20, 2003 to consider this matter.

### **FINDINGS AND CONCLUSIONS**

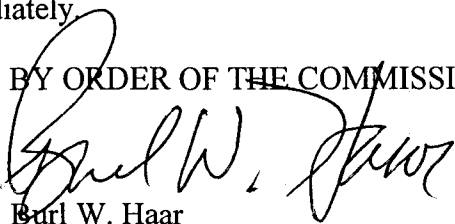
The Commission has reviewed the record and heard the arguments of all parties. The Commission finds that Qwest's petition does not point to new and relevant evidence, does not expose errors or ambiguities in the Commission's April 30, 2003 ORDER AFTER RECONSIDERATION ON ITS OWN MOTION, and does not otherwise persuade the Commission that it should rethink its Order.

The Commission concludes that its April 30, 2003 Order is consistent with the facts, the law, and the public interest, and therefore will deny Qwest's petition for reconsideration.

### **ORDER**

1. Qwest's Motion for Reconsideration, filed May 13, 2003, is denied.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

  
Burl W. Haar  
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).